

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION

TRITON IP, LLC,

v.

6:07-cv-00067-LED

SAGE GROUP, PLC, et al.

JURY

PLAINTIFF TRITON'S ANSWER TO COUNTERCLAIMS OF INFOR AND SSA

Plaintiff Triton IP, LLC (“Triton”) answers by paragraph the counterclaims of Defendants Infor Global Solutions, Inc. (“Infor”) and SSA Global Technologies, Inc. (“SSA”) (collectively “Defendants”) as follows:

1. Admitted that Defendants’ counterclaims purport to request declarations of noninfringement, invalidity, and unenforceability of the ‘525 patent. Admitted as to jurisdiction. The merits of Defendants’ counterclaims are denied.
2. Admitted as to the existence of a case or controversy. The merits of Defendants’ counterclaims are denied.
3. Due to recent issues raised by Infor regarding its corporate identity, Triton lacks knowledge or information sufficient admit or deny that Infor is a Delaware corporation. Admitted as to Infor’s address.
4. Due to recent issues raised by SSA regarding its corporate identity, Triton lacks knowledge or information sufficient admit or deny that SSA is a Delaware corporation.
5. Admitted.
6. Paragraph 6 purports to incorporate by reference paragraphs 1 – 5, and is thus improper and incapable of being admitted or denied. Subject to the foregoing, in response to paragraph 6, Triton incorporates its responses relative to paragraphs 1 – 5.

7. Denied.

8. Denied.

9. To the extent necessary, Plaintiff denies that Defendants are entitled to the relief requested in their prayer for relief. In addition, to the extent necessary, Plaintiff denies any allegation in the counterclaims not specifically admitted above, and Plaintiff re-alleges infringement, enforceability, validity and damages, and denies any allegations in the counterclaim adverse to same.

FAILURE TO STATE A CLAIM

10. Defendants' counterclaim should be dismissed because it fails to state a claim upon which relief can be granted. Without limitation, the counterclaim is defective because it fails to allege fraud with particularity as required by Federal Rule of Civil Procedure 9.

FAILURE TO ALLEGE INEQUITABLE CONDUCT WITH PARTICULARITY

11. Defendants' inequitable conduct allegations should be stricken and dismissed because the counterclaim fails to allege inequitable conduct with particularity as required by Federal Rule of Civil Procedure 9.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment denying and dismissing Defendants' counterclaims, and that the Court enter judgment in favor of Plaintiff as requested in Plaintiff's complaint, as amended or supplemented.

Date: May 23, 2007

Respectfully submitted,

TRITON IP, LLC

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On this date a copy of the foregoing is being filed electronically and thus served upon all counsel of record pursuant to Local Rule CV-5.

Date: May 23, 2007

/s/ John J. Edmonds
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